



# House of Representatives

General Assembly

**File No. 582**

*January Session, 2003*

Substitute House Bill No. 5530

*House of Representatives, April 29, 2003*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING ANIMAL CRUELTY PREVENTION AND EDUCATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 53a-30 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 (a) When imposing sentence of probation or conditional discharge,  
5 the court may, as a condition of the sentence, order that the defendant:  
6 (1) Work faithfully at a suitable employment or faithfully pursue a  
7 course of study or of vocational training that will equip the defendant  
8 for suitable employment; (2) undergo medical or psychiatric treatment  
9 and remain in a specified institution, when required for that purpose;  
10 (3) support the defendant's dependents and meet other family  
11 obligations; (4) make restitution of the fruits of the defendant's offense  
12 or make restitution, in an amount the defendant can afford to pay or  
13 provide in a suitable manner, for the loss or damage caused thereby

14 and the court may fix the amount thereof and the manner of  
15 performance; (5) if a minor, (A) reside with the minor's parents or in a  
16 suitable foster home, (B) attend school, and (C) contribute to the  
17 minor's own support in any home or foster home; (6) post a bond or  
18 other security for the performance of any or all conditions imposed; (7)  
19 refrain from violating any criminal law of the United States, this state  
20 or any other state; (8) if convicted of a misdemeanor or a felony, other  
21 than a capital felony, a class A felony or a violation of section 21a-278,  
22 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any  
23 offense for which there is a mandatory minimum sentence which may  
24 not be suspended or reduced by the court, and any sentence of  
25 imprisonment is suspended, participate in an alternate incarceration  
26 program; (9) reside in a residential community center or halfway  
27 house approved by the Commissioner of Correction, and contribute to  
28 the cost incident to such residence; (10) participate in a program of  
29 community service labor in accordance with section 53a-39c; (11)  
30 participate in a program of community service in accordance with  
31 section 51-181c; (12) if convicted of a violation of subdivision (2) of  
32 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,  
33 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13)  
34 if convicted of a criminal offense against a victim who is a minor, a  
35 nonviolent sexual offense or a sexually violent offense, as defined in  
36 section 54-250, or of a felony that the court finds was committed for a  
37 sexual purpose, as provided in section 54-254, register such person's  
38 identifying factors, as defined in section 54-250, with the  
39 Commissioner of Public Safety when required pursuant to section 54-  
40 251, 54-252 or 54-253, as the case may be; (14) be subject to electronic  
41 monitoring; (15) if convicted of a violation of section 46a-58, 53-37a,  
42 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias crime  
43 education program; (16) if convicted of a violation of section 53-247,  
44 undergo psychiatric or psychological counseling or participate in an  
45 animal cruelty prevention and education program; or (17) satisfy any  
46 other conditions reasonably related to the defendant's rehabilitation.  
47 The court shall cause a copy of any such order to be delivered to the  
48 defendant and to the probation officer, if any.

49 Sec. 2. Subsection (d) of section 54-56e of the general statutes is  
50 repealed and the following is substituted in lieu thereof (*Effective*  
51 *October 1, 2003*):

52 (d) Except as provided in subsection (e) of this section, any  
53 defendant who enters such program shall pay to the court a  
54 participation fee of one hundred dollars. Any defendant who enters  
55 such program shall agree to the tolling of any statute of limitations  
56 with respect to such crime and to a waiver of the right to a speedy trial.  
57 Any such defendant shall appear in court and shall, under such  
58 conditions as the court shall order, be released to the custody of the  
59 Court Support Services Division, except that, if a criminal docket for  
60 drug-dependent persons has been established pursuant to section  
61 51-181b in the judicial district, such defendant may be transferred,  
62 under such conditions as the court shall order, to the court handling  
63 such docket for supervision by such court. If the defendant refuses to  
64 accept, or, having accepted, violates such conditions, the defendant's  
65 case shall be brought to trial. The period of such probation or  
66 supervision, or both, shall not exceed two years. The court may order  
67 that as a condition of such probation the defendant participate in the  
68 zero-tolerance drug supervision program established pursuant to  
69 section 53a-39d. If the defendant has reached the age of sixteen years  
70 but has not reached the age of eighteen years, the court may order that  
71 as a condition of such probation the defendant be referred for services  
72 to a youth service bureau established pursuant to section 17a-39,  
73 provided the court finds, through an assessment by a youth service  
74 bureau or its designee, that the defendant is in need of and likely to  
75 benefit from such services. When determining any conditions of  
76 probation to order for a person entering such program who was  
77 charged with a misdemeanor that did not involve the use, attempted  
78 use or threatened use of physical force against another person or a  
79 motor vehicle violation, the court shall consider ordering the person to  
80 perform community service in the community in which the offense or  
81 violation occurred. If the court determines that community service is  
82 appropriate, such community service may be implemented by a  
83 community court established in accordance with section 51-181c if the

84 offense or violation occurred within the jurisdiction of a community  
85 court established by said section. If the defendant is charged with a  
86 violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, the  
87 court may order that as a condition of such probation the defendant  
88 participate in a hate crimes diversion program as provided in  
89 subsection (e) of this section. If a defendant is charged with a violation  
90 of section 53-247, the court may order that as a condition of such  
91 probation the defendant undergo psychiatric or psychological  
92 counseling or participate in an animal cruelty prevention and  
93 education program.

94 Sec. 3. Subsection (c) of section 46b-140 of the general statutes is  
95 repealed and the following is substituted in lieu thereof (*Effective*  
96 *October 1, 2003*):

97 (c) The court may order, as a condition of probation, that the child  
98 (1) reside with a parent, relative or guardian or in a suitable foster  
99 home or other residence approved by the court, (2) attend school and  
100 class on a regular basis and comply with school policies on student  
101 conduct and discipline, (3) refrain from violating any federal or state  
102 law or municipal or local ordinance, (4) undergo any medical or  
103 psychiatric evaluation or treatment deemed necessary by the court, (5)  
104 submit to random drug or alcohol testing, or both, (6) participate in a  
105 program of alcohol or drug treatment, or both, (7) make restitution to  
106 the victim of the offense in accordance with subsection (d) of this  
107 section, (8) participate in an alternative incarceration program or other  
108 program established through the Court Support Services Division, (9)  
109 participate in a program of community service, and (10) satisfy any  
110 other conditions deemed appropriate by the court. The court shall  
111 cause a copy of any such order to be delivered to the child, the child's  
112 parents or guardian and the child's probation officer. If the child is  
113 convicted as delinquent for a violation of section 53-247, the court may  
114 order, as a condition of probation, that the child undergo psychiatric or  
115 psychological counseling or participate in an animal cruelty  
116 prevention and education program.

117 Sec. 4. Subsection (b) of section 54-76j of the general statutes is  
118 repealed and the following is substituted in lieu thereof (*Effective*  
119 *October 1, 2003*):

120 (b) If execution of the sentence is suspended under subdivision (6)  
121 of subsection (a) of this section, the defendant may be placed on  
122 probation or conditional discharge for a period not to exceed three  
123 years, provided the court in its discretion may from time to time, while  
124 such probation is in force, extend such probation for a period not to  
125 exceed five years, including the original probationary period. If the  
126 court places the person adjudicated to be a youthful offender on  
127 probation, the court may order that as a condition of such probation  
128 the person be referred for services to a youth service bureau  
129 established pursuant to section 17a-39, provided the court finds,  
130 through an assessment by a youth service bureau or its designee, that  
131 the person is in need of and likely to benefit from such services. If the  
132 court places a person adjudicated as a youthful offender on probation,  
133 the court may order that as a condition of such probation the person  
134 participate in the zero-tolerance drug supervision program established  
135 pursuant to section 53a-39d. If the court places a youthful offender on  
136 probation, school and class attendance on a regular basis and  
137 satisfactory compliance with school policies on student conduct and  
138 discipline may be a condition of such probation and, in such a case,  
139 failure to so attend or comply shall be a violation of probation. If the  
140 court has reason to believe that the person adjudicated to be a youthful  
141 offender is or has been an unlawful user of narcotic drugs as defined in  
142 section 21a-240, and the court places such youthful offender on  
143 probation, the conditions of probation, among other things, shall  
144 include a requirement that such person shall submit to periodic tests to  
145 determine, by the use of "synthetic opiate antinarcotic in action",  
146 nalline test or other detection tests, at a hospital or other facility,  
147 equipped to make such tests, whether such person is using narcotic  
148 drugs. A failure to report for such tests or a determination that such  
149 person is unlawfully using narcotic drugs shall constitute a violation of  
150 probation. If the court places a person adjudicated as a youthful  
151 offender for a violation of section 53-247 on probation, the court may

152 order that as a condition of such probation the person undergo  
153 psychiatric or psychological counseling or participate in an animal  
154 cruelty prevention and education program.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Judicial Dept.	GF - Cost	Greater than 200,000	Greater than 200,000
Judicial Dept.; Children & Families, Dept.; Mental Health & Addiction Serv., Dept.	GF - Cost	Potential Significant	Potential Significant

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill permits the court to require someone convicted of animal cruelty to undergo psychiatric or psychological counseling, or to participate in an animal cruelty prevention and education program. The annual cost to implement a new program would vary according to the number of clients involved and the type of services available, but is expected to be significant.<sup>1</sup>

The potential cost to the Judicial Department, the Department of Children and Families, and the Department of Mental Health and Addiction Services from the provision permitting courts to order defendants to undergo psychiatric or psychological counseling is uncertain since the court may order a defendant to undergo mental or psychiatric treatment under current law. However, to the extent that the bill increases the use of such treatment, a significant cost could result.

<sup>1</sup> It is estimated that there would be over 100 clients annually (adult and juvenile), and that the average cost per client would be greater than \$2,000. In FY 02 there were 194 adult offenses and 55 convictions for cruelty to animals, with fifty-eight people

**OLR Bill Analysis**

sHB 5530

**AN ACT CONCERNING ANIMAL CRUELTY PREVENTION AND EDUCATION****SUMMARY:**

This bill allows the court, as a condition of probation or conditional discharge, to require someone convicted of cruelty to animals to undergo psychiatric or psychological counseling or to participate in an animal cruelty prevention and education program. The court may use this condition with people convicted in regular criminal court, with children (under age 16) convicted as delinquent, with first-time offenders being granted accelerated rehabilitation, and with those (age 16 and 17) being granted youthful offender status.

EFFECTIVE DATE: October 1, 2003

**BACKGROUND*****Cruelty to Animals, Fighting Animals, and Killing a Police Animal***

The law establishes four animal cruelty offenses that are covered by this bill. The first, overworking; cruelly beating; failing to give proper air, food, and water; improperly protecting an animal from self injury; administering poisonous or noxious drugs; and baiting or worrying an animal for amusement or exhibition is punishable by a fine of up to \$1,000, imprisonment for up to one year, or both.

The second, maliciously and intentionally maiming, mutilating, torturing, wounding, or killing an animal is punishable by a fine of up to \$5,000, imprisonment for up to five years, or both.

The third, owning, keeping, or training animals that fight in exhibitions for amusement or gain; permitting such exhibitions on one's property; acting as a judge or spectator at such an exhibition; and wagering on the outcome of such exhibitions is punishable by a fine of

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on probation. The number of juvenile offenses is unavailable, but estimated to be at least 194.



up to \$5,000, imprisonment for up to five years, or both.

The fourth, killing an animal performing its duties under the supervision of a peace officer is punishable by a fine of up to \$5,000, imprisonment for up to five years, or both.

### ***Accelerated Rehabilitation***

Accelerated rehabilitation (AR) is a pretrial diversion program for people accused of offenses “not of a serious nature.” Those accused of class A and B felonies are ineligible, while those accused of class C felonies are only eligible for “good cause.” The court must also believe the defendant will probably not offend again, and the crime victim is notified and given an opportunity to comment.

AR participants waive their right to a speedy trial. The court places them under the supervision of the Office of Adult Probation for up to two years. If they successfully complete the program, the court dismisses the charges and erases the person’s record.

### ***Youthful Offender Status***

The court can grant youthful offender (YO) status to 16- and 17-year olds who are first offenders and charged with less serious crimes. A youth is ineligible if he or she is charged with a class A felony or a serious sexual assault crime, was previously granted YO or AR, or was previously convicted of a felony or adjudged a serious juvenile offender or serious juvenile repeat offender. YO status allows the court to erase the records of youths who successfully complete a court-imposed sentence such as probation or community service.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 41      Nay 0